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10/593,660

09/20/2006

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EXAMINER

OWYANG, MICHELLE N

ART UNIT

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2169

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/593,660

Applicant(s)

PIATON, ALAIN NICOLAS

Examiner

Michelle Owyang

Art Unit

2169

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 20 September 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 September 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

1. Claims 1-25 are pending in this application.

#### ***Claim Objections***

2. Claims 4-22, 24-25 are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim 3. See MPEP § 608.01(n). Appropriate correction is required.

3. The following claims are objected to for lack of antecedent basis:
  - a. "with the help", claim 1, line 10;
  - b. "the set" claim 3, line 3;
  - c. "the text type", claim 3, lines 5-6; and
  - d. "the information search", claim 6, line 2.

#### ***Claim Rejections - 35 USC § 101***

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

4. Claims 1-25 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

With respect to claim 1-22, 24-25, a "method" is being recited; however, it appears that the method would reasonably be interpreted by one of ordinary skill in the art as failing to produce tangible result.

With respect to claim 23, a "search engine" is being recited; however, it appears that the engine would reasonably be interpreted by one of ordinary skill in the art as software, per se. because it fails to reside on a computer-readable medium to enable the function to be realized.

The claims lack the necessary physical articles or objects to constitute a machine or a manufacture within the meaning of 35 USC 101. They are clearly not a series of steps or acts to be a process nor are they a combination of chemical compounds to be composition of matter. As such, they fail to fall within a statutory category. They are, the best functional descriptive material, per se.

Descriptive material can be characterized as either "functional descriptive material" or "nonfunctional descriptive material." In this context, "functional descriptive material." both types of "descriptive material" are nonstatutory when claimed as descriptive material per se, 33 F.3d at 1360, 31 USPQ2d at 1759. When functional descriptive material is recorded on some computer-readable medium, it becomes structurally and functionally interrelated to the medium and will be statutory in most cases since use of technology permits the function of the descriptive material to be realized. Compare *In re Lowry*, 32 F.3d 1579, 1583-84, 32 USPQ2d 1031, 1035 (Fed. Cir. 1994)

Merely claiming nonfunctional descriptive material, i.e., abstract ideas, stored on a computer-readable medium, in a computer, or on an electromagnetic carrier signal, does not make it statutory. See *Diehr*, 450 U.S. at 185-86, 209 USPQ at 8 (noting that the claims for an algorithm in *Benson* were unpatentable as abstract ideas because “[t]he sole practical application of the algorithm was in connection with the programming of a general purpose computer.”).

*Claim Rejections - 35 USC § 112*

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 1-25 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

With respect to claim 1 (lines 10-11) and claim 23 (line 9), “generates the result with the help of the representation table” is not clearly understood rendering claim indefinite. It is unclear how the representative table is used to help to generate the result.

With respect to claim 3, “the set (line 3)” is not clearly understood rendering claim indefinite. It is unclear whether “the set” is referred to the "distinct sections" cited in claim 3, lines 2-3 or not.

With respect to claim 6, "the information search (lines 2-3)" is clearly understood rendering claim indefinite. It is unclear whether "the information search" is referred to the "text type information" cited in claim 3, lines 5-6, or the "document" cited in claim 1, line 3.

Any claim not specifically addressed above is being rejected as incorporating the deficiencies of a claim upon which it depends.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

6. Claims 1 and 23 are rejected under 35 U.S.C. 102(a) as being anticipated by Knight, et al. (Patent No. US 6,721,748 B1), hereinafter Knight.

With respect to claim 1, Knight discloses a method for searching in documents stored in electronic memory (*Col. 1, lines 27-30*), including the following steps:

selection of at least one document among the stored documents, from a query composed of at least one predetermined character string (*Col. 6, lines 2-4 & 14-16*), then

extraction of a result in order to display it in the form of a preview of information related to the selected document (*Col. 6, lines 66-67, Col. 7, lines 1-3*), and

prior to the steps of selection and extraction, generation of a table representing the stored documents, containing a character string including at least a part of the information of the stored document (*the stored information is tabulated, Col. 5, lines 37-42*),

wherin, during the selection step, one generates the result with the help of the representation table, from information contained in the character string in the representation table found relevant according to the query (*the result is generated from the tabulated information, Col. 5, lines 52-53, Col. 6, lines 62-64*).

With respect to claim 23, Knight discloses a search engine for searching for information in documents stored in electronic memory (*Col. 1, lines 27-30*), including:

Means of generation of a stored document representation table, this table containing a character string comprising at least a part of the stored document information (*the stored information is tabulated, Col. 5, lines 37-42*),

Means of selection of at least one document among the stored documents, from a query containing at least one predetermined character string (*Col. 6, lines 2-4 & 14-16*),

wherin it comprises means of extraction of a result with the help of the representation table (*Col. 6, lines 66-67, Col. 7, lines 1-3*), from information contained in the character string of the representation table found relevant according to the query (*the result is generated from the tabulated information (Col. 5, lines 52-53, Col. 6, lines 62-64)*, in order to display this result in the form of a preview of information relative to the selected document (*result is displayed to user, Col. 6, lines Col. 6, lines 62-65*).

*Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Knight in view of Friman (Patent No US 7,162,483 B2).

With respect to claim 1, although Knight discloses one compares the predetermined character string in the query with the character string in the representation table, to select at least one document among the stored documents (*comparing selected information with the search criteria, Col. 6., lines 56-60*)

Knight does not explicitly disclose notably by scanning sequentially the representation table.

However, Friman discloses scanning and reading file sequentially to generate a searchable database (*Col. 5, lines 45-50, Col. 7, lines 24-29*).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the file reading techniques of Friman in the searching method of Knight in order to search information quickly, accurately and easily (*Friman, Col. 2, lines 8-11*).



8. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Knight in view of Keskar et al. (Pub No. US 2003/0028524 A1), hereinafter Keskar.

With respect to claim 3, although Knight discloses information comprising several distinct groupings, classes and subclasses (*Col. 5, lines 32-35*).

Knight does not explicitly disclose at least one document being of e-mail message type and comprising several distinct sections chosen among the set constituted by a sender address, a recipient address, a header, a message body, and at least an attachment, the character string in the representation table contains at least a part of the text type information of each section of the e-mail message type document.

However Keskar discloses at least one document being of e-mail message type and comprising several distinct sections chosen among the set constituted by a sender address, a recipient address, a header, a message body, and at least an attachment, the character string in the representation table contains at least a part of the text type information of each section of the e-mail message type document (*document table includes document such as email, [0021]; Fig 3*).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the email document techniques of Keskar in the searching method of Knight in order to provide a better searching environment.

9. Claims 4-22, 24-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Knight in view of Keskar, further in view of Friman.

With respect to claim 4, although Keskar discloses the document of type e-mail message ([0021]).

Neither Knight nor Keskar explicitly discloses one scans sequentially the information concerning the attachment before the information concerning any of the other sections of the document .

However, Friman discloses scans sequentially the information concerning the document and reading information from top to bottom sequentially (*Col. 5, lines 45-50, Col. 7, lines 24-29*).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the file reading techniques of Friman in the searching method of Knight and Keskar in order to search information quickly, accurately and easily (*Friman, Col. 2, lines 8-11*).

With respect to claim 5, Knight discloses the representation table character string moreover contains, for each stored document, identification information of this document (*Col. 22, lines 61-65*).

With respect to claim 6, Knight discloses one stores in memory at least a part of the result of the information search (*Col. 6, lines 55-65*).

With respect to claim 7, Knight discloses the part of the result of the information search stored in memory is stored in a file able to contain results from several searches (*Col. 6, lines 55-65*).

With respect to claim 8, Knight discloses during the result extraction step, the following steps: extraction of the information contained in the character string from the representation table found relevant according to the query (*extract information based on search criteria, Col. 6, lines 56-58*),

transmission of this information to a remote terminal by the means of a data transmission network (*Col. 6, lines 57-62*), and wherein the display of the result is done by the remote terminal (*Col. 6, lines 11-13*).

With respect to claim 9, Knight discloses one performs a conversion so that any displayable character in a text type area in the stored document is encoded (*Col. 6, lines 11-13 & 57-62*).

Knight does not explicitly disclose either on one byte; Or with the help of a tag inserted in the representation table and followed by a code on one byte.

However, Keskar discloses document with identifier, subject field tags (*[0021]*).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the document tag techniques of Keskar in the searching method of Knight in order to provide a better searching environment.

With respect to claim 10, Knight discloses the generation step of the representation table, one inserts in the character string of the representation table at least one set of data (*Col. 6, lines 55-62*).

Knight does not explicitly disclose at least one set of data limited by at least one tag to supplement the information.

However, Keskar discloses document with identifier, subject field tags ([0021]).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the document tag techniques of Keskar in the searching method of Knight in order to provide a better searching environment.

With respect to claim 11, Knight does not explicitly disclose each tag inserted in the character strings includes at least one escape character encoded on one byte not in the printable characters of the first 128 positions of the ASCII encoding table.

However, Keskar discloses document with identifier, subject field tags ([0021]).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the document tag techniques of Keskar in the searching method of Knight in order to provide a better searching environment.

With respect to claim 12, Knight discloses the set of data contains data to help in the presentation of the preview, used during the result extraction step (Col. 6, lines 55-67).

With respect to claim 13, Knight discloses the set of data contains data to help the selection of at least one document (Col. 6, lines 12-13 & 56-62).

With respect to claim 14, Knight discloses one inserts in the character string of the representation table at least one area of information (*Col. 6, lines 63-67*).

Knight does not explicitly disclose numerical type encoded on a predetermined number of bytes delimited by at least one tag indicative of this numerical area.

However, Keskar discloses document with identifier, subject field tags (*[0021]*).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the document tag techniques of Keskar in the searching method of Knight in order to provide a better searching environment.

With respect to claim 15, Knight does not explicitly disclose the tag indicating the numerical area is also a tag indicating a presentation convention of this numerical area.

However, Keskar discloses document with identifier, subject field tags (*[0021]*).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the document tag techniques of Keskar in the searching method of Knight in order to provide a better searching environment.

With a respect to claim 16, Knight discloses the stored documents being distributed in different types of document (*different categories, Col. 5, lines 30-35*).

Knight does not explicitly disclose one defines for each type of document a set of tags destined to be inserted in the character string of the representation table, each tag of this set having a meaning specific to this type of document.

However, Keskar discloses document with identifier, subject field tags (*[0021]*).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the document tag techniques of Keskar in the searching method of Knight in order to provide a better searching environment.

With respect to claim 17, Knight does not explicitly disclose one inserts in the character string of the representation table at least one set of data expressed in phonetic writing delimited by at least a tag of indication of phonetic writing.

However, Keskar discloses document with identifier, subject field tags ([0021]).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the document tag techniques of Keskar in the searching method of Knight in order to provide a better searching environment.

With respect to claim 18, Knight does not explicitly disclose one inserts in the character string of the representation table at least one tag indicating that a predetermined number of characters following that tag in the character string should not be scanned during the selection step.

However, Keskar discloses document with identifier, subject field tags ([0021]).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the document tag techniques of Keskar in the searching method of Knight in order to provide a better searching environment.

Neither Knight nor Keskar explicitly discloses the character string should not scanned.

However, Friman discloses scanning and reading file sequentially to generate a searchable database (*Col. 5, lines 45-50, Col. 7, lines 24-29*).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the file reading techniques of Friman in the searching method of Knight and Keskar in order to search information quickly, accurately and easily (*Friman, Col. 2, lines 8-11*).

With respect to claim 19, Knight does not explicitly disclose one inserts in the character string of the representation table at least one set of data corresponding to a grammatical analysis of part of the contents of at least one stored document, delimited by at least one tag of indication of grammatical analysis.

However, Keskar discloses document with identifier, subject field tags (*[0021]*).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the document tag techniques of Keskar in the searching method of Knight in order to provide a better searching environment.

With respect to claim 20, Knight does not explicitly disclose one inserts in the character string of the representation table at least one set of data corresponding to metadata describing a part of the contents of at least one stored document, delimited by at least one tag of indication of metadata:

However, Keskar discloses document with identifier, subject field tags (*[0021]*).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the document tag techniques of Keskar in the searching method of Knight in order to provide a better searching environment.

With respect to claim 21, Knight does not explicitly disclose one inserts in the character string of the representation table at least one tag to start a predetermined program.

However, Keskar discloses document with identifier, subject field tags ([0021]).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the document tag techniques of Keskar in the searching method of Knight in order to provide a better searching environment.

With respect to claim 22, Knight discloses each stored document containing information distributed in several distinct predetermined sections common to all stored documents (*content is stored in the form of groupings, classes and subclasses, Col. 5, lines 33-35*), the result is displayed in the form of a preview including a preview zone for each distinct common section and comprising a list of initially selected documents for the information they contain found relevant according to the query (*Col. 5, lines 35-36 & 51-55*), preview zone may be disabled, and When one disables at least one preview zone, one maintains only in the displayed list each document initially selected for information found relevant that this document contains in at least one section corresponding to at last one zone that remains enabled (*selection is based on search criteria, Col. 6, lines 56-66*).



With respect to claim 24, Knight discloses processor including instructions programmed for the implementation of a method for searching information according to any of the claims 1-20 (*Col. 5, lines 10-14*).

With respect to claim 25, Knight discloses means of storage of at least one dictionary table containing a set of words in a predetermined language, each word being associated in this dictionary table to grammatical analysis data (*Col. 5, lines 30-35*).

### *Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michelle Owyang whose telephone number is 571-270-1254. The examiner can normally be reached on Monday-Friday (Alternate Fridays Off): 8am-5pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mohammad Ali can be reached on 571-272-4105. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would


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MO 12/21/2007

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SUPERVISORY PATENT EXAMINER